

PROB 12C  
United States Bankruptcy Court  
Southern District of Texas  
FILED

JAN 05 2006

Michael N. Milby, Clerk  
Laredo Division

**UNITED STATES DISTRICT COURT  
for the  
SOUTHERN DISTRICT OF TEXAS**

United States District Court  
Southern District of Texas  
ENTERED

JAN - 9 2006

Michael N. Milby, Clerk  
Laredo Division

**Petition for Action for Offender Under Supervision**

Name of Offender: Gilberto Hernandez-Azua Docket No: 5:05CR02654-001  
Formally Docket No: 4:03CR00077-005

Name of Sentencing Judge: The Honorable William R. Wilson, Jr./Eastern District of Arkansas

Date of Original Sentence: September 9, 2004

Original Offense: Conspiracy to possess with intent to distribute less than 50 kilograms of marihuana

Original Sentence: Time served (*approximately 18 months*), 3 years supervised release, \$100 special assessment

Type of Supervision: Supervised Release Supervision Started: September 9, 2004

Assistant U.S. Attorney: Kevin T. Alexander Defense Attorney: Richard L. Hughes

**EARLIER COURT ACTION**

On November 2, 2005, a transfer of jurisdiction from the Eastern District of Arkansas was accepted by the United States District Court in the Southern District of Texas/Laredo Division and subsequently filed on December 19, 2005, and assigned docket number Docket Number 5:05CR02654-001.

**PETITIONING THE COURT**

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1.	<b>New Law Violation: Reentry of a Deported Alien</b>
2.	<b>Violation of special condition ordering the defendant not to return to the United States illegally.</b>

Details: On May 26, 2005, the defendant was one of eight undocumented aliens arrested by United States Border Patrol Agents at the Interstate Highway 35 mile marker 32 as they were being smuggled in a vehicle driven by Jesse Soria, Jr. During questioning, Hernandez-Azua admitted that he was a Mexican citizen illegally present in the United States. On June 21, 2005, a one-count Indictment was filed in the Laredo Division of the Southern District of Texas in docket number 5:05CR01374-001, charging him with Reentry of a Deported Alien. Disposition is pending before the United States District Court in Laredo, Texas.


U.S. Probation Officer Recommendation: That the issue of supervised release violation be addressed by the United States District Court at the time of sentencing in docket number 5:05CR01374-001.

☒ The term of supervision should be

☒ revoked.


I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Approved:

  
Oscar J. Chavez, Jr. Supervising  
U.S. Probation Officer

Respectfully submitted:

by


  
Ricardo Chapa  
Sr. U.S. Probation Officer  
January 5, 2006

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THE COURT ORDERS:

☒ That the issue of supervised release violation be addressed by the United States District Court at the time of sentencing in docket number 5:05CR01374-001.

☐ Other \_\_\_\_\_

  
Honorable George P. Kazen  
United States District Judge  
1/5/06  
Date